

1      **Beverly Saxon Leonard, 153105**  
2      **THE SAXON LEONARD LAW FIRM**  
3      **1001 Second Street, Suite 345**  
4      **Napa, California 94559**  
5      **Tel (707) 257-5378**  
6      **Fax (707) 257-5399**

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8      **Attorney for Plaintiff**  
9      **CLIFFORD DILBERT**

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12      **IN THE DISTRICT COURT OF THE UNITED STATES**  
13      **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14      **CLIFFORD DILBERT,**

15      **Case No.: C-05 000 87 JSW**

16      **Plaintiff,**

17      **v.**  
18      **STIPULATION AND ORDER RE:**  
19      **REQUEST FOR ORDER CHANGING**  
20      **TIME FOR MEET & CONFER RE**  
21      **INITIAL DISCLOSURES AND TO FILE**  
22      **ADR CERTIFICATION, AND TO**  
23      **EXCHANGE INITIAL DISCLOSURES,**  
24      **AND TO CONTINUE CASE**  
25      **MANAGEMENT CONFERENCE**  
26      **(Local Rule 6-2)**

27      **JOHN E. POTTER, POSTMASTER**  
28      **GENERAL,**

29      **Defendant.**

30      WHEREAS, Plaintiff CLIFFORD DILBERT, by and through his attorney of record,  
31      BEVERLY SAXON LEONARD, hereby states and requests:

32      1. Plaintiff Clifford Dilbert was recently tried in Napa County Superior Court on  
33      ~~February 10, 2005~~ charges of child molestation.

34      2. On the date closing arguments were to be given to the jury, February 10, 2005,  
35      Clifford Dilbert failed to appear in court. He was declared a fugitive from justice and  
36      he was found guilty of the charges against him.

37      3. Clifford Dilbert was subsequently apprehended in Toronto, Canada on February 12,  
38      2005. He has been extradited back to Napa and has been sentenced to twenty-one

1 years to life in state prison. For this and other reasons, plaintiff's counsel intends to  
2 withdraw from further representation of the plaintiff. A motion to withdraw as  
3 counsel of record for Mr. Dilbert has been e-filed and is set for hearing on January  
4 6, 2006.

5 4. Because of plaintiff's unavailability, plaintiff's counsel is unable to complete the  
6 Initial Disclosures for exchange, or to complete an ADR Certification. Plaintiff's  
7 counsel did contact defendant's counsel on October 18, 2005, to advise him of  
8 plaintiff's predicament. It was agreed plaintiff's counsel would request a stay or  
9 extension of all deadlines and a continuance of the Case Management Conference  
10 currently set for November 4, 2005.

11 5. Plaintiff requests an extension of time to meet and confer re initial disclosures, to file  
12 an ADR Certification, and to complete the Initial Disclosures and the Case  
13 Management Conference Statement, and asks to continue the Case Management  
14 Conference scheduled on November 4, 2005 , at 1:30 p.m., to a date ninety days  
15 hence, following the hearing on the motion to withdraw as counsel.

16 6. The Defendant does not object to plaintiff's request.

17 Dated: October 18, 2005

Respectfully Submitted,

18 THE SAXON LEONARD LAW FIRM

19 *10/18/05 Saxon Leonard*

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By: /s/  
**Beverly Saxon Leonard**  
22 Attorney for Plaintiff Clifford Dilbert

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1       Defendant does not object to Plaintiff's request to extend the deadlines referenced above,  
2 nor does defendant object to a continuance of the November 4, 2005, Case Management Conference  
3 to a date ninety days hence following the hearing on the motion to withdraw.

4       Dated: October 18, 2005

KEVIN V. RYAN  
United States Attorney

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By:

/s/

Abraham Simmons  
Assistant United States Attorney  
Attorneys for Defendant John E. Potter

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10       **ORDER OF THE COURT**

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12       **The Court, having considered the request for Order Changing Time, hereby**

13       **ORDERS:**

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18       **The parties shall hold a meet and confer re initial disclosures, early settlement, ADR**  
19 **Process selection, and discovery plan by April 7, 2006.**

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22       **The parties shall file a joint ADR Certification with Stipulation for ADR process or**  
23 **Notice of Need for ADR Phone Conference by April 7, 2006.**

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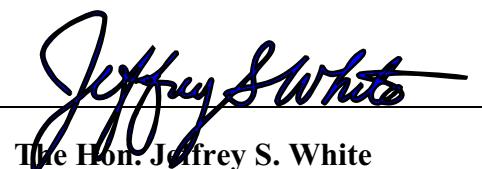
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1 IT IS SO ORDERED  
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Dated: October 18, 2005

4 UNITED STATES DISTRICT COURT JUDGE  
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By: 

7 The Hon. Jeffrey S. White  
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The Hon. Jeffrey S. White